

HOUSE BILL 1309  
By Hagood

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 7, Part 1, relating to other educational programs, so as to provide a cause of action against certain persons in favor of certain colleges and universities and student-athletes for violations of college athletic recruitment rules and regulations; to provide for damages, costs, attorney's fees, and injunctive relief; to provide for certain required disclosures for all student-athletes in high schools in this state; to provide for criminal penalties; and to provide for related matters.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following language as new, appropriately designated sections:

Section 49-7-124.

(a) As used in this section, unless the context otherwise requires:

(1) "Immediate family" means a student-athlete's spouse, child, parent, stepparent, grandparent, grandchild, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, nephew, niece, aunt, uncle, first cousin, and the spouses and guardians of any such individuals.

(2) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, firm, or any other legal or commercial entity.

(3) "Student-athlete" means a student at any public or private institution of postsecondary or higher education in this state who engages in, is eligible to engage in, or may be eligible to engage in any intercollegiate sporting event, contest, exhibition, or program or a student residing in this state who has applied, is eligible to apply, or may be eligible to apply in the future to a public or private institution of postsecondary or higher education.

(b) Except as provided in subsection (c) of this section, no person shall give, offer, promise, or attempt to give any money or other thing of value to a student-athlete or member of a student-athlete's immediate family:

(1) To induce, encourage, or reward the student-athlete's application, enrollment, or attendance at a public or private institution of postsecondary or higher education in order to have the athlete participate in intercollegiate sporting events, contests, exhibitions, or programs at that institution; or

(2) To induce, encourage, or reward the student-athlete's participation in an intercollegiate sporting event, contest, exhibition, or program.

(c) This section shall not apply to:

(1) Any public or private institution of postsecondary or higher education or to any officer or employee of such institution when the institution or officer or employee of such institution is acting in accordance with an official written policy of such institution which is in compliance with the bylaws of the National Collegiate Athletic Association;

(2) Any intercollegiate athletic awards approved or administered by the student-athlete's institution;

(3) Grants-in-aid or other full or partial scholarships awarded to a student-athlete or administered by an institution of postsecondary or higher education; and

(4) Members of the student-athlete's immediate family who themselves provide aid or assistance to the student-athlete if such aid or assistance is not otherwise prohibited.

(d) A violation of the provisions of subsection (b) of this section is a Class E felony provided, that the maximum fine shall be one hundred thousand dollars (\$100,000).

(e) Each public and private high school in this state shall advise in writing at the beginning of each sports season each student who participates in any athletic program sponsored by the school of the provisions of this section and shall provide each student with information concerning the effect of receiving money or other things of value on the student's future eligibility to participate in intercollegiate athletics. The provisions of this subsection shall not apply to intramural athletic programs at such schools.

Section 49-7-125.

(a) As used in this section, unless the context otherwise requires:

(1) "Immediate family" means a student-athlete's spouse, child, parent, stepparent, grandparent, grandchild, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, nephew, niece, aunt, uncle, first cousin, and the spouses and guardians of any such individuals.

(2) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, firm, or any other legal or commercial entity.

(3) "Student-athlete" means a student at any public or private institution of postsecondary or higher education in this state who engages in, is eligible to

engage in, or may be eligible to engage in any intercollegiate sporting event, contest, exhibition, or program or a student residing in this state who has applied, is eligible to apply, or may be eligible to apply in the future to a public or private institution of postsecondary or higher education.

(b) Each public and private institution of postsecondary or higher education located in this state that participates or engages in intercollegiate athletics shall have a right of action against any person who engages in any activity concerning student-athletes that results in the institution being penalized, disqualified, or suspended from participation in intercollegiate athletics by a national association for the promotion and regulation of intercollegiate athletics, by an athletic conference or other sanctioning body, or by reasonable self-imposed disciplinary action taken by such institution to mitigate sanctions likely to be imposed by such organizations as a result of such activity. The institution shall be entitled to recover all damages which are directly related to or which flow from and are reasonably related to such improper activity and to such penalties, disqualifications, and suspensions. Damages shall include, but not be limited to, loss of scholarships, loss of television revenue, loss of bowl revenue, and legal and other fees associated with the investigation of the activity and the representation of the institution before the sanctioning organizations in connection with the investigation and resolution of such activity. If the institution is the prevailing party in its cause of action, it shall be entitled to an award of court costs, costs of litigation, and reasonable attorney's fees. The institution may also request and the court may enter an injunction against any person found liable from having any further contact with the institution, its student-athletes, and student-athletes who have expressed or might express an interest in attending the institution and from attending athletic contests, exhibitions, games, or other such events in which one (1) or more of the institution's student-athletes is participating.

The right of action and remedies under this section are in addition to all other rights of action which may be available to the institution.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.